

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Kraus et al.)	
)	
Serial No. 10/693,030)	Group Art Unit: 1642
Confirmation No. 2346)	
)	Examiner: Ungar, Susan
Filed: October 24, 2003)	
)	
For: METHODS FOR DIAGNOSIS)	
OF CANCER USING erbB-3)	

**PRELIMINARY AMENDMENT AND
ELECTION UNDER RESTRICTION REQUIREMENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer No. 36339

October 6, 2006

Sir:

In response to the September 6, 2006 Restriction Requirement, please enter the following preliminary amendment, election of group and species regarding the above-identified patent application and consider the remarks that follow.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.